

Message Text

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ACTION EUR-12

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FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC IMMEDIATE 1474

C O N F I D E N T I A L BUCHAREST 0253

E.O. 11652: GDS

TAGS: EEWT, RO

SUBJ: US-ROMANIAN TRADE AGREEMENT NEGOTIATIONS: NAVIGATION

REF: STATE 013421

1. IN ADDITION TO QUESTION OF MARITIME AGREEMENT (NOW WITH-DRAWN), GOR HAS RAISED TWO QUESTIONS ON US DRAFT OF ARTICLE VII WHICH US DELEGATION UNABLE TO RESOLVE.

A. PARA 1 REFERENCE TO HIGH SEAS, GOR ASKED FOR EXPLANATION FOR THIS REFERENCE, SINCE THEY COULD NOT IMAGINE WHEN IT WOULD APPLY OTHER THAN IN EXERCISE OF POLICE POWERS, WHICH THEY THOUGHT INAPPROPRIATE TO COMMERCIAL AGREEMENT. CAN THIS REFERENCE BE DROPPED, OR AS A POSSIBLE COMPROMISE, A PERIOD BE PLACED AFTER QUOTE VESSELS OF THAT PARTY END QUOTE, DROPPING REST OF SENTENCE? IF SENTENCE MUST BE RETAINED INTACT, WOULD APPRECIATE WASHINGTON SUGGESTIONS AND EXPLANATIONS ON WORDING WHICH MIGHT MAKE REFERENCE TO HIGH SEAS APPEAR MORE PEACEABLE.

B. PARA 2 WORDS QUOTE OR CHARTER END QUOTE. GOR HAS OBJECTED TO INCLUDING CHARTER VESSELS ON TWO GROUNDS: (1) GOR UNSURE HOW IT COULD RECOGNIZE NATIONALITY OF CORPORATION CHARTERING THE VESSEL; (2) GOR COULD NOT RECOGNIZE A CHARTER VESSEL FLYING FLAG OF STATE WHICH IT DOES NOT RECOGNIZE (E.G. SOUTH AFRICA, SOUTH KOREA, TAIWAN). ALTHOUGH WE HAVE ARGUED THAT VESSELS

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CHARTERD BY US INTERESTS MIGHT CALL IN ROMANIA MORE FREQUENTLY

THAN US-FLAG VESSELS, IS THIS PROVISION NECESSARY? WOULD CHARTER DOCUMENTS CLEARLY ESTABLISH NATIONALITY OF PARTY UNDER WHOSE CHARTER VESSEL IS NAVIGATING?

2. RE PARA 1B ABOVE, WE HAVE TENTATIVELY SUGGESTED THAT USE OF TERM REGISTRY, AS IN US-USSR MARITIME AGREEMENT, MIGHT HELP. GOR HAS ASKED THAT WE EXPLAIN CONDITIONS UNDER WHICH REGISTRY TAKES PLACE, ITS CONSEQUENCES AND WHAT RESPONSIBILITY US TAKES FOR REGISTERED VESSELS. WOULD VESSELS OF COUNTRIES WHICH GOR DOES NOT RECOGNIZE BE SUBJECT TO REGISTRY?

3. PLEASE REPLY TO PARAS 1 AND 2 PROMPTLY, AS THESE POINTS ARE AMONG THE FEW REMAINING ON WHICH WE LACK INSTRUCTIONS.
BARNES

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